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Notice of Allowability	Application No.	Applicant(s)	
	10/045,184	PELLICO, MICHAEL A.	
	Examiner	Art Unit	
	Frederick F. Krass	1614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to the amendment dated 1-31-2005.
 - 2. ☒ The allowed claim(s) is/are 1-13 and 17-26.
 - 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 - 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

- Attachment(s)**
- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>2/25/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Christie on 2/25/05.

The following changes have been made:

A) First page of the specification, line 7, immediately after "2000" there has been inserted --- , now abandoned ---

B) Claims 1, 13, 17 and 24, third line of each claim, "the" as it appears before "teeth" has been deleted.

C) Claims 1, 17 and 24, penultimate line of each claim, in each instance the term "or" as it occurs immediately before "second" has been changed to --- nor ---; "components" has been singularized; and the term "incorporate" has been pluralized.

D) Claims 13 and 24, seventh line of each claim, in each instance "a" has been deleted and replaced with --- an orally ---

E) Claim 13, eighth line, "to increase its pH" has been deleted.

F) Claim 13, ninth line, immediately after "and" there has been inserted --- comprises ---; also, "component" has been changed to --- composition ----

G) Claim 13, twenty-ninth line, "Artificial" has been deleted.

H) Claim 13, last line, immediately before the period there has been inserted --- , wherein the claimed weight percentages for each composition total 100 percent. ---

I) Claim 17, first and second lines ", increased peroxide content" has been deleted.

J) Claim 17, ninth and tenth lines, each occurrence of "at least one" has been deleted and replaced by the definite article --- a--- (first, second and fourth occurrences) or --- an --- (third occurrence).

K) Claim 18, second line, "a" has been changed to --- the ---

L) Claims 18, 19 and 20, second line of each claim, in each instance "at least one" has been deleted.

M) Claim 23, third line, "20%" has been changed to --- 25% ---

N) Claim 24, the first word of the claim has been changed from "The" to --- A ---

O) Claims 25 and 26, third line of each claim, in each instance "compared to" has been changed to --- based on ---

P) Claim 24, ninth line, immediately before "sodium" there has been inserted --- and ---

Q) The allowed claims (with corrected status identifiers) thus read as follows:

Art Unit: 1614

1. (Currently Amended) A two-component dental bleaching system wherein the components are adapted to be admixed and applied to teeth from a dental tray for sustained contact, said system comprising:

as a first component, a dental peroxide gel comprising both carbamide peroxide and hydrogen peroxide; and

as a second component, an orally compatible activator gel wherein said activator gel includes a base, and wherein neither the first nor second component incorporates a radiant energy or a heat-energy absorbing activator substance.

2. (Original) The dental bleaching system according to claim 1, wherein the first component includes hydroxypropyl cellulose.

3. (Original) The dental bleaching system according to claim 1, wherein the first component comprises carbamide peroxide at a weight percentage of at least about 10%, based on the total weight of said first component.

4. (Original) The dental bleaching system according to claim 1, wherein the first component comprises hydrogen peroxide at a weight percentage of at least about 0.5%, based on the total weight of the first component.

5. (Original) The dental bleaching system according to claim 1, wherein the first component comprises hydrogen peroxide at a weight percentage of at least about 5%, based on the total weight of the first component.

6. (Original) The dental bleaching system according to claim 1, wherein the first component comprises carbamide peroxide at a weight percentage of at least about 16% and hydrogen peroxide at a weight percentage of at least about 1.5%, based on the total weight of the first component.

7. (Original) The dental bleaching system according to claim 1, wherein the first component comprises carbamide peroxide at a weight percentage from about 10% to about 25% and hydrogen peroxide at a weight percentage from about 0.5% to about 10%, based on the total weight of the first component.

8. (Original) The dental bleaching system according to claim 1, wherein the first component comprises carbamide peroxide at about 16% by weight and hydrogen peroxide at about 1.3% by weight, based on the total weight of the first component.

9. (Original) The dental bleaching system according to claim 1, wherein the first component comprises carbamide peroxide at about 16% by weight and hydrogen peroxide at about 6% by weight, based on the total weight of the composition.

10. (Original) The dental bleaching system according to claim 1, wherein the first component comprises carbamide peroxide at a weight percentage of about 16% and hydrogen peroxide at a weight percentage of about 10%, based on the total weight of the composition.

11. (Original) The dental bleaching system according to claim 1, wherein the activator gel additionally comprises sodium fluoride and potassium nitrate.

12. (Original) The dental bleaching system according to claim 1, wherein the activator gel additionally comprises potassium nitrate and tetrapotassium pyrophosphate.

13. (Previously Presented) A two-component dental bleaching system wherein the components are adapted to be admixed and applied to teeth for sustained contact, said system comprising:

a first component comprising both carbamide peroxide and hydrogen peroxide; and
a second component comprising an orally compatible activator gel wherein said activator gel includes a base, and comprises a composition selected from the group consisting of:

Propylene Glycol	49.97% by wt.
Hydroxypropyl Cellulose	1.980% by wt.
Glycerin	38.100% by wt.
Peppermint Flavor	0.200% by wt.
Peppermint Oil	0.400% by wt.
DI Water	0.500% by wt.
Sodium Fluoride	0.350% by wt.
Fumed Silica	8.200% by wt.;

Propylene Glycol	45.576% by wt.
Hydroxypropyl Cellulose	1.980% by wt.
Glycerin	40.000% by wt.
Peppermint Flavor	0.200% by wt.
Peppermint Oil	0.400% by wt.

Fumed Silica	11.000% by wt.
DI Water	0.544% by wt.;
Propylene Glycol	40.767 % by wt.
Hydroxypropyl Cellulose	1.980% by wt.
Glycerin	32.753% by wt.
Cherry Flavor	0.600% by wt.
Fumed Silica	5.600% by wt.
Potassium Nitrate	5.400% by wt.
DI Water	12.600% by wt.;
Propylene Glycol	40.767% by wt.
Hydroxypropyl Cellulose	1.980% by wt.
Glycerin	32.753% by wt.
Peppermint Flavor	0.200% by wt.
Peppermint Oil	0.400% by wt.
Fumed Silica	5.600% by wt.
Potassium Nitrate	5.400% by wt.
DI Water	12.600% by wt.;

and mixtures thereof, wherein the claimed weight percentages for each composition total 100%.

14-16. (Canceled).

17. (Currently Amended) A two-component dental bleaching system adapted to be admixed and applied to teeth for sustained contact, said system comprising:

a first component comprising a mixture of carbamide peroxide and hydrogen peroxide, and
a second component comprising an orally compatible activator gel comprising a base, a gelling agent, an aliphatic polyol, and a flavoring agent, and wherein neither the first nor second component incorporates a radiant energy or a heat-energy absorbing activator substance.

18. (Previously Presented) The two-component bleaching system of claim 17 wherein said gelling agent is selected from the group consisting of cellulosic gums, silica, emulsifying waxes and mixtures thereof.

19. (Previously Presented) The two-component bleaching system of claim 17 wherein said aliphatic polyol is selected from the group consisting of glycerin, propylene glycol and mixtures thereof.

20. (Previously Presented) The two-component bleaching system of claim 17 wherein said flavoring agent is selected from the group consisting of taste enhancement agents, flavor enhancement agents and mixtures thereof.

21. (Previously Presented) The two-component bleaching system of claim 18 wherein said gelling agent comprises hydroxypropyl cellulose.

22. (Previously Presented) The two-component bleaching system of claim 17 wherein said hydrogen peroxide is present in an amount of from about 1% to about 20% by weight of the first component.

23. (Previously Presented) The two-component bleaching system of claim 17 wherein said carbamide peroxide is present in an amount of from about 10% to about 25% by weight of the first component.

24. (Currently Amended) A two-component dental bleaching system wherein the components are adapted to be admixed and applied to teeth for sustained contact, said system comprising:

a first component comprising both carbamide peroxide and hydrogen peroxide; and
a second component comprising an orally compatible activator gel comprising propylene glycol, hydroxypropyl cellulose, glycerin, DI water, and sodium fluoride, and wherein neither the first nor second component incorporates a radiant energy or a heat-energy absorbing activator substance.

25. (Previously Presented) The two-component dental bleaching system of claim 24 wherein said propylene glycol is present in an amount of from about 40% by wt. to about 50% by wt. based on the total weight of the second component.

26. (Previously Presented) The two-component dental bleaching system of claim 24 wherein said glycerin is present in an amount from about 32% by wt. to about 40% by wt. based on the total weight of the second component.

27. (Canceled)

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick F. Krass whose telephone number is 571-272-0580. The examiner's schedule is as follows:

Monday: 10:30AM- 7PM;
Tuesday: 10:30AM - 7PM;
Wednesday: off;
Thursday: 10:30AM- 7PM; and
Friday: 10:30AM-7PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached at 571-272-0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frederick Krass
Primary Examiner
Art Unit 1614

